

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 2, 4-17, 19-21, 23-25, 27-31 and 33-35 are pending in the application, with claims 1, 15, 20, 29, 33, 34 and 35 being the independent claims. Claims 1, 4-17, 19-21, 23-25, 27, 29-31 and 33-35 are sought to be amended. Claims 26 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Applicant reserves the right to prosecute similar or broader claims, with respect to the cancelled and/or amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

The claims presented in this Application should be interpreted solely based on the file history of this Application, not the file history of any predecessor or related application. With respect to this Application, Applicant hereby rescinds any and all disclaimers of claim scope made in any parent application(s), any predecessor application(s), and any related application(s). The Examiner is advised that any previous disclaimer of claim scope, if any, and any references that allegedly caused any previous disclaimer of claim scope, may need to be revisited. Nor should any previous disclaimer of claim scope, if any, in this Application be read back into any predecessor or related application. It is understood that throughout examination, the claims presented in this Application are to be given their broadest reasonable meaning in view of the specification. Any paraphrasing of claim features in remarks during prosecution is not to be interpreted as reading any features into, or characterizing, any claim.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Statement of Substance of Examiner Interview

Pursuant to 37 C.F.R. § 1.133, Applicant provides the following statement of substance of the interview. Applicant expresses their appreciation to Examiner Joel Ajayi for the courtesy of a first telephonic interview with Applicant's representative on March 24, 2011 and a second telephonic interview on April 4, 2011. The Office Action indicates dependent claims 14, 19, 27, and 28 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (Office Action, p. 13.) During the first telephonic interview, Applicant's representatives and the Examiner discussed the Examiner's Reasons for Allowance in regard to these dependent claims. No agreement was reached; however, Applicant's representative agreed to prepare a proposed amendment to independent claim 1, that is presented herewith, for the Examiner's consideration. During the second telephonic interview, Applicant's representatives and the Examiner discussed the proposed amendment to independent claim 1. No agreement was reached.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 4-11, 15-17, 20, 21, 23-26, 29-31, and 33-35

Claims 1, 2, 4-11, 15-17, 20, 21, 23-26, 29-31, and 33-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over United States Patent No. 5,926,758

to Grybos et al. ("Grybos") in view of United States Patent No. 6,023,604 to Tsuboike et al. ("Tsuboike"). Applicants respectfully traverse the rejection and provide the following arguments to support patentability.

This Application discloses centralized scheduling of a single frequency wireless communication system. The single frequency wireless communication system includes a switch to manage and schedule transmission of packets between repeaters and mobile stations to prevent data collisions among the repeaters and the mobile stations. (Specification, ¶ [00188].) For example, packets destined for a mobile station include addresses that correspond to the mobile station. (Specification, ¶ [00192].) When the switch receives a packet destined for a mobile station, the switch performs an address translation on the address to identify a switch port that corresponds to a repeater that is coupled to the mobile station. (Specification, ¶ [00192].) Once the switch port has been identified, the switch determines whether an interference problem would be created if the packet is forward by the repeater to the mobile station at that time. (Specification, ¶ [00193].) If no interference problem exists, the switch sends the packet through the switch port to the repeater for transmission to the mobile station. (Specification, ¶ [00193].) However, if an interference problem would be created by sending the packet immediately, then the switch delays sending the packet through the switch port. (Specification, ¶ [00193].)

The Office Action indicates dependent claims 14, 19, 27, and 28 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (Office Action, p. 13.) Accordingly, Applicant has amended independent claims 1, 15, 20, 29, 33, 34 and 35 to substantially incorporate

some of the features from dependent claim 14. For example, Applicant has amended independent claim 1 to substantially incorporate at least the feature of *"performing, by the switch, an address translation on the first and second addresses to identify a switch port from among a plurality of switch ports that corresponds to the repeater"* that was previously recited by dependent claim 14. Applicant has amended independent claims 15, 20, 29, 33, 34 and 35 in a substantially similar manner. Nowhere do Grybos or Tsuboike alone, or any combination thereof, teach or suggest translating an address of a packet to identify a switch port as recited by these independent claims.

Additionally, to further distinguish independent claim 1 from the alleged teachings or suggestions of Grybos and Tsuboike, Applicant has amended independent claim 1 to recite at least the features of *"determining, by the switch, whether wirelessly transmitting the first and second data packets from the repeater to the first and second mobile stations, respectively, will create interference between the first and second data packets."* Applicant has amended independent claims 15, 20, 29, 33, 34 and 35 in a substantially similar manner. These newly added features of independent claims 1, 15, 20, 29, 33, 34 and 35 further clarify the centralized management and scheduling of transmissions of packets between repeaters and mobile stations. For example, these newly added features of independent claim 1 further clarify that the switch determines whether an interference problem would occur if the repeater wirelessly transmits the packet to the mobile station before the packet is sent to the repeater through the switch port. Nowhere do Grybos or Tsuboike alone, or any combination thereof, disclose determining whether the interference problem would occur if the repeater wirelessly

transmits the packet to the mobile station before sending the packet through the switch port as recited by independent claims 1, 15, 20, 29, 33, 34 and 35.

Further, in regard to independent claims 1, 29, and 33 each of these independent claims recite that the packets are transmitted through the switch port "at different times when it is determined that wirelessly transmitting the first and second data packets from the communication device will create interference." The Office Action erroneously alleges a schedule of Grybos teaches or suggest these aforementioned features of independent claims 1, 29, and 33. Contrary to the Examiner's allegation, the schedule of Gybros is not a time based schedule. Rather, the schedule of Gybros is a frequency use schedule that is constructed using a radio frequency use schedule algorithm to implement a frequency avoidance plan. (See, Grybos, 5:1-4, 10:23-29). Nowhere does Grybos teach or suggest a schedule to delay transmission if an interference problem would be created by sending the packet immediately as recited by independent claims 1, 29, and 33 as alleged in the Office Action. (Office Action, p. 3.)

In summary, Grybos or Tsuboike alone, or any combination thereof, do not teach or suggest each and every feature of independent claims 1, 15, 20, 29, 33, 34 and 35. Consequently, a combination of Grybos and Tsuboike cannot render these independent claims obvious. Dependent claims 2, 4-11, 16, 17, 21, 23-25, 30, and 31 are likewise not rendered obvious by the combination of Grybos and Tsuboike for the same reasons as the independent claims from which they respectively depend and further in view of their own respective features. Without acquiescing to the merits of this allegation, Applicant has cancelled claim 26 rendering this rejection moot in regard to this claim. Applicant contends that the canceling of claim 26 does not give rise to any implication regarding

whether Applicant agrees with or acquiesces to the rejection under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 4-11, 15-17, 20, 21, 23-25, 29-31, and 33-35 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 12 and 13

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Grybos in view of Tsuboike, and further in view of United States Patent No. 5,093,927 to Shanley et al. ("Shanley"). Applicant respectfully traverses the rejection and provides the following arguments to support patentability.

As discussed above, Grybos or Tsuboike alone, or any combination thereof, do not teach or suggest each and every feature of independent claim 1. Shanley does not provide the missing teachings or suggestions with respect to independent claim 1 nor does the Office Action so allege. Dependent claims 12 and 13 are likewise not rendered obvious by the combination of Grybos, Tsuboike, and Shanley for the same reasons as independent claim 1 from which they respectively depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 12 and 13 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Allowable Subject Matter

Claims 14, 19, 27, and 28

Claims 14, 19, 27, and 28 stand objected to as allegedly being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including

all of the limitations of the base claim and any intervening claims. From the discussion above, Applicant has traversed the rejections to independent claims 1, 15, and 20. Dependent claims 14, 19, 27, and 28 are likewise allowable for the same reasons as the independent claims from which they respectively depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the objection of claims 14, 19, 27, and 28 be reconsidered and withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: 04/06/11

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